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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,575	08/25/2000	Brian D. Lesk	33081.0500	5787

7590 11/18/2004

SNELL & WILMER L.L.P.  
One Arizona Center  
400 East Van Buren  
Phoenix, AZ 85004-2202

EXAMINER
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NGUYEN, NGA B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/648,575

Applicant(s)

LESK, BRIAN D. 9

Examiner

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on August 13, 2004, which paper has been placed of record in the file.
2. Claims 1, 3, 4, and 6 are pending in this application.

### *Response to Arguments/Amendment*

3. Applicant's arguments with respect to claims 1, 3, 4, and 6 have been considered but are moot in view of new grounds of rejection.
4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swart, U.S. Patent No. 6,347,306.

Regarding to claim 1, Swart discloses a system for administering employee funds, system comprising:

at least one access point configured to interface with an employee, the employee associated with a worksite employer having an obligation to remit employee funds to the employee (figure 2, item 250; column 7, lines 44-47 and column 14, lines 20-25; each employee is provided with on-line access to securely log onto a website associated with the banking computer system 250 to check on and verify the provision of the net work segment pay to the employee's bank account; employer associated with the employee remits salary to the employee's bank account);

a personal financial service provider configured to communicate with worksite employer and at least one access point over a network (figure 2, the banking system 250 communicates with the payroll processing system 230 and the employee 258), said personal financial service provider including a data center configured to store financial data associated with the employee (column 13, lines 47-52; the banking computer communicates with a computer storage device which stores shift completion

information, pay amount information, pay deduction information and net work segment pay of the employee), wherein said personal financial service provider is configured to electronically receive the employee funds directly from worksite employer and to electronically disburse the employee funds to third parties prior to allowing the employee to disburse funds via access point (column 7, lines 32-47; the banking system deposits the net pay directly into the employee's account, withdraws, e.g. 2% of the employee's pay and automatically deposits the money into a mutual fund);

said personal financial service provider configured to administer at least one benefits program associated with the employee (column 7, lines 30-47; the bank administers the employee's bank account 245, deposits the net pay directly into the employee's account, provides the employee with the ability to check the bank account on-line, deposits money into employee's mutual fund).

Swart does not disclose the personal financial service provider configured to electronically receive a fee from the worksite employer, wherein the fee is responsive to the disbursement of the employee funds. However, the bank charges a fee for performing service on behalf of a third party is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the feature above with Swart's for the purpose of allowing the bank makes profit by collecting service fee when performing service on behalf of a third party.

Swart discloses personal financial service provider configured to interface with the employee to provide *at least one of: direct purchase of goods and services, direct purchase of travel services, or direct purchase of investment instruments* (column 12,

lines 15-23; the bank advertises new services and products to its customers). Swart does not disclose the goods and services come from one of the third parties. However, advertising goods and services on behalf of third parties over the Internet is well known in the art. Today, there exist many different websites advertise and sell goods/services on behalf of third parties who cannot afford to maintain their own websites. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the feature above with Swart's for the purpose of providing the opportunity to the third parties who cannot afford to maintain their own websites can make profits by selling their goods/services over the Internet.

Regarding to claim 3, Swart does not disclose the fee is a percentage of a gross payment amount associated with the employee. However, charging a fee based a percentage of a gross payment amount is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate this feature with the modified Swart's above for the purpose of providing more easier for calculating the service fee.

Regarding to claim 4, Swart does not disclose the personal financial service provider pays, for employee, federal taxes associated with the employee funds. However, Swart discloses the human resource computer system stores the withholdings of federal and state taxes of the employee (column 6, lines 28-36), the payroll processing computer system calculates the tax deductions for the employee (column 7, lines 1-20), the banking system retrieves net work segment pay from the payroll processing system for issue a check or directly deposit to the employee's bank account

(column 7, lines 30-47). The payroll processing computer system deducts the federal and state taxes from the employee's net pay, thus it is obvious that the banking system pays federal taxes associated with the employee net pay. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate this feature with the modified Swart's above for the purpose of providing more convenient to employee in paying federal taxes associated with the employee net pay.

Regarding to claim 6, Swart discloses wherein the at least one access point includes a Web-based interface (column 7, lines 44-47; employee can check the bank account on-line via a web browser).

### ***Conclusion***

7. Claims 1, 3, 4, and 6 are rejected.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

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9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

(703) 872-9326 (for formal communication intended for entry),

or

(703) 308-3691 (for informal or draft communication, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen



November 10, 2004